

File: 22543-0030 MHM:des

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

(English Declaration)

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: "A METHOD OF REDUCING CARBON LEVELS IN FLY ASH", the specification of which:

☒ is attached hereto.  
☐ was filed on \_\_\_\_\_ as Application Serial  
 No. \_\_\_\_\_ and was amended on \_\_\_\_\_.  
 (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, S.1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, S.119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

			<u>PRIORITY CLAIMED</u>	
			YES	NO
_____	_____	_____	_____	_____
(Number)	(Country)	(Day/Mo./Yr. Filed)		
_____	_____	_____	_____	_____
(Number)	(Country)	(Day/Mo./Yr. Filed)		

I hereby claim the benefit under Title 35, United States Code, S.120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, S.112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, S.1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

_____	_____	_____
(Appln. Ser. No.)	(Filing Date)	Status (Patented, Pending.)
_____	_____	_____
(Appln. Ser. No.)	(Filing Date)	Status (Patented, Pending.)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**Power Of Attorney**

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s), with full power to appoint an associate agent when required to do so and to revoke such appointment, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration number).

W. Charles Kent, Registration No. 26,135, and/or  
William R. Edgar, Registration No. 27,522.

Send correspondence to:

Mr. W. Charles Kent, of Ridout & Maybee LLP, 150 Metcalfe Street, 19<sup>th</sup> Floor, Ottawa, Ontario, K2P 1P1, Canada.

Direct telephone calls to:

W. Charles Kent, Telephone No. (613) 236-1995

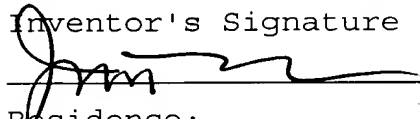
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**Full Name of Sole Inventor**

James M. Tranquilla

Inventor's Signature

Date



9 May 2001

Residence:

64 Alison Blvd., Fredericton, New Brunswick, Canada, E3C 1N2

Citizenship:

Canadian

Post Office Address:

64 Alison Blvd., Fredericton, New Brunswick, Canada, E3C 1N2

File: 22543-0030 MHM:des

Applicant or Patentee: James M. Tranquilla  
Serial or Patent No: unknown  
Filed or Issued: unknown  
For: A METHOD OF REDUCING CARBON LEVELS IN FLY  
ASH

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY**  
**STATUS (37 CFR 1.9(F) AND 1.27(B) - SMALL BUSINESS**

I hereby declare that I am:

- ( ) the owner of the small business concern identified below:  
(X) an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: EMR Microwave Technology Corporation  
ADDRESS OF CONCERN: 64 Alison Boulevard, Fredericton,  
New Brunswick, Canada, E3C 1N2

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Codes, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 employees. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled "A METHOD OF REDUCING CARBON LEVELS IN FLY ASH" by inventor James M. Tranquilla, described in:

- (X) the specification filed herewith.  
( ) Application Serial No. \_\_\_\_\_ filed \_\_\_\_\_  
( ) Patent No. \_\_\_\_\_ issued \_\_\_\_\_.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person,

other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

**NOTE:** Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

( ) INDIVIDUAL ( ) SMALL BUSINESS ( ) NONPROFIT ORGANIZATION

FULL NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

( ) INDIVIDUAL ( ) SMALL BUSINESS ( ) NONPROFIT ORGANIZATION

FULL NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

( ) INDIVIDUAL ( ) SMALL BUSINESS ( ) NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: JAMES M. TRANQUILLA  
TITLE OF PERSON OTHER THAN OWNER: President  
ADDRESS OF PERSON SIGNING: 64 Alison Blvd., Fredericton, New Brunswick, Canada, E3C 1N2

SIGNATURE:  DATE: 9 May 2001

W. Charles Kent